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MEMO ENDORSED

BY ECF

The Honorable Ronnie Abrams
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *United States v. Jason Gala*

Dear Judge Abrams:

On behalf of defendant Bevan Cooney for the reasons stated herein we are asking the Court to adjourn Mr. Cooney's sentencing until there is more certainty as to what will happen in the case of co-defendant, Devon Archer. The Government consents to this request. My understanding is that the government has been given 45 days to decide what their plan is for Mr. Archer. It should come as no surprise that undersigned counsel has viewed Mr. Cooney as less culpable than Mr. Archer. This view is consistent with the fact that Mr. Cooney was named last on the indictment and was therefore also viewed by the government as the least culpable person charged in the indictment. The recent decision of this Court similarly viewed Mr. Cooney and Mr. Archer in many respects as similarly situated ("the flaw most fatal to Cooney's motion, and which is the most substantial distinction between the evidence against him and Archer, is that Cooney received money directly from the purported annuity provider for the WLCC.") Given their similar roles in terms of culpability, certainly what happens to Mr. Archer is relevant at Mr. Cooney's sentencing. The government appears to agree with undersigned counsel and therefore consents to this request.

If the Court is not inclined to grant this request, we will file a supplemental letter highlighting further considerations which would necessitate adjourning Mr. Cooney's sentence. Thank you for your consideration.

Respectfully,

Paula Notari

/s/ Paula Notari

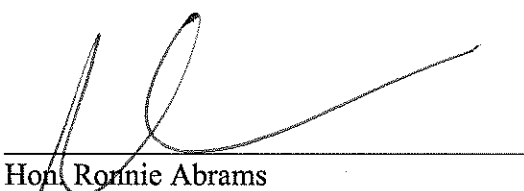
Paula Notari

Counsel for Bevan Cooney

Application Granted.

Mr. Cooney's sentencing, currently scheduled to take place on December 12, 2018, is hereby adjourned and rescheduled to take place on January 25, 2019, at 3:15 p.m.

SO ORDERED.


Hon. Ronnie Abrams
November 19, 2018

